

Legislative Fiscal Bureau

Fiscal Note

HF 250 - Assaults on Certain Occupations (LSB 1025 HV)

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Fiscal Note Version — New

Requested by Representative Jim R. Van Fossen

Description

House File 250 expands protected classes under Section 708.3A, Code of Iowa, for peace officers, jailers, correctional staff, fire fighters, and health care providers to include members and employees of the Board of Parole and certain employees of the Department of Human Services (DHS). The DHS employees covered by HF 250 are those who work at the Civil Commitment Unit for Sexual Offenders; the State Resource Centers at Glenwood and Woodward; the Mental Health Institutes at Cherokee, Clarinda, Independence, and Mount Pleasant; the State Training School; and the Iowa Juvenile Home. A person convicted of assaulting a member of a protected class is subject to enhanced penalties.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. A lag of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. There are 16.0 FTE positions for the Board of Parole. The DHS has 2,672.1 FTE positions that would be covered under HF 250.
5. The DHS estimates there are 85 major assaults annually against employees covered under HF 250. Of these, 19 assaults were at the juvenile facilities. These offenders will remain under juvenile court supervision; they will not be waived to the adult court system and tried for the assault. Therefore, these assaults are not included in the calculations for the correctional and fiscal impact of HF 250.
6. One of the assaults occurred in the Civil Commitment Unit for Sex Offenders. This offender was convicted of assault and sentenced to time served. The offender remained under civil commitment.
7. The average daily cost for parole or probation is \$1.82. The average length of stay for a Class D felony conviction is 26 months on probation or 13 months on parole. The average length of stay for an aggravated misdemeanor conviction is 19 months on probation or 5 months on parole. The average length of stay for a serious misdemeanor conviction is 14 months on probation and 5 months on parole. Offenders convicted of simple misdemeanors are seldom supervised.
8. The marginal cost per day for state prisons is \$12 per offender. The average length of stay for new admissions for a Class D felony conviction against a person is 23 months, an aggravated misdemeanor conviction against a person is 9 months, and a serious misdemeanor is 7 months.
9. The median cost per case for indigent defense is \$1,000 for a Class D felony or aggravated misdemeanor case, \$500 for a serious misdemeanor case, and \$250 for a simple misdemeanor case.
10. The average cost per case for the court system is \$15 for a simple misdemeanor. The average cost for a serious or aggravated misdemeanor trial ranges from \$76 to \$466, depending on if a jury is used. A Class D felony trial costs \$195 on average without a

jury, and \$1,235 with a jury. Court system costs include the time of a court reporter, court attendant, Clerk of Court staff, and a judicial officer.

11. The marginal cost per day for county jails ranges from \$15 to \$25. The average length of stay is 32 days for a serious misdemeanor assault conviction and 51 days for an aggravated misdemeanor assault conviction.

Correctional Impact

There is no significant correctional impact associated with adding employees and Board members of the Board of Parole as a protected class.

During FY 2004, 23 convicted offenders will be sentenced to a higher penalty under HF 250. This will result in two more Class D felony convictions that would have been aggravated misdemeanor convictions under current law. There will be 17 aggravated misdemeanor convictions under HF 250 that would have been serious misdemeanor convictions under current law. There will be four serious misdemeanor convictions that would have been simple misdemeanor convictions under current law.

These offenders will be sentenced as follows: four to prison, one to probation, and eight to jail. One offender will remain in civil commitment status. Nine offenders will receive a sentence other than incarceration or supervision, such as community service, deferred judgment, or a fine.

During FY 2005 (annualized impact), 47 offenders will be sentenced to a higher penalty than under current law. These offenders will be sentenced as follows: 9 to prison, 1 to probation, and 15 to jail. One offender will remain in civil commitment status. There will be 21 offenders annually who will receive a sentence other than incarceration or supervision.

The prison population will increase by four offenders in FY 2004, and increase by nine offenders each year thereafter. Admissions to probation supervision will increase by one offender annually.

There will be a net decrease in county jail admissions of one offender in FY 2004. There will be an increase of 120 jail bed days because the length of stay in jail for each offender admitted will increase. In FY 2004, there will be nine fewer serious misdemeanor convictions sentenced to jail with an average length of stay of 32 days. There will be eight more aggravated misdemeanant convictions sentenced to jail with an average length of stay of 51 days.

In FY 2005, jail admissions will experience a net decrease by three offenders, but there will be an increase of 189 jail bed days. The length of stay in jail for each offender admitted will increase. In FY 2005, there will be 18 fewer serious misdemeanor convictions sentenced to jail with an average length of stay of 32 days. There will be 15 more aggravated misdemeanant convictions sentenced to jail with an average length of stay of 51 days.

Fiscal Impact

The estimated fiscal impact of HF 250 to the State General Fund is an increase in expenditures of \$31,000 during FY 2004, and \$64,000 during FY 2005. Breakdown of expenditures is as follows:

	FY 2004	FY 2005
Dept. of Corrections – Prisons	\$ 18,000	\$ 39,000
Community-Based Corrections	1,000	2,000
Indigent Defense	10,000	19,000
Judicial Branch	2,000	4,000

Total

\$ 31,000

\$ 64,000

The fiscal impact on county jails is anticipated to be \$2,000 in FY 2004 and \$4,000 in FY 2005.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Department of Human Services
State Public Defender's Office
Judicial Branch
Iowa State Sheriff's and Deputies Association

/s/ Dennis C Prouty

February 27, 2003

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
